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OFFICE OF PETITIONS

In re Patent No. 7,456,219	:	DECISION ON REQUEST FOR
Miller et al.	:	RECONSIDERATION OF
Issue Date: November 25, 2008	:	PATENT TERM ADJUSTMENT
Application No. 10/600,132	:	AND NOTICE OF INTENT TO ISSUE
Filed: June 19, 2003	:	CERTIFICATE OF CORRECTION
Attorney Docket No. 24852-501 CIP	:	

This is a decision on the renewed petition filed on May 27, 2010,¹ which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand four hundred sixty-eight (1468) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**. The term of the above-identified patent is extended or adjusted by **one thousand four hundred sixty-eight (1468) days**.

Patentee asserts that the period of reduction of 21 days under 37 CFR 1.704(c)(10) for the filing of the IDS on September 18, 2008, is not warranted and should be removed.

It is undisputed that patentee filed an IDS on September 18, 2008, after the mailing of the notice of allowance. However, after further review, the Office concludes that the language in the statement accompanying the IDS on September 18, 2008, meets

¹ This petition was timely filed within two months of the decision on the request for reconsideration of patent term adjustment mailed May 4, 2010.

the requirements of 37 CFR 1.704(d).² Thus, the period of reduction of 21 days will be removed.

Accordingly, the patent term adjustment is 1468 days (821 days of A delay + 890 days of B delay - 169 days of overlap - 74 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand four hundred sixty-eight (1468) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

² The removal of the 21-day period of reduction is not based on patentee's submission of the statement under 37 CFR 1.704(d) in the present renewed petition.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,456,219 B2

DATED : Nov. 25, 2008

INVENTOR(S) : Miller et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1447 days

Delete the phrase "by 1447 days" and insert – by 1468 days--